FIFTY-THIRD YEAR.

ON SATURDAY NIGHTS the Real Es-

LAST EDITION.

MONDAY, APRIL 27, 1903. SALT LAKE CITY, UTAH.

Is He Chief Or Is He Not?

Ouestion of Whether George A. Sheets is Head of the Salt Lake Police Department Will Soon be Settled-Whole Case Before the Supreme Court Today-Lengthy Arguments Heard on Both Sides.

is a rule adopted in accordance with that statute. The rule says that a ma-

jerity vote of all members elected shall be necessary for the confirmation of an

appointment, and that rule is certainly in public interest, because a confirma-

tion is of such importance that it requires the more deliberate consideration

of a majority of all the members of the council. There are three things neces-

sary to the creation of the liability in this case. First, the passage of the ordinance creating the office; second, the fixing of the salary; and third, the

appointment and confirmation of a chief of police. Hence the appointment and

confirmation in this case is absolute-ly necessary to create the liability

RICHARD'S STATEMENT.

Atty. F. S. Richards then made the closing argument in behalf of the state. He said in part: "In regard to rule 17 of the council, it is certainly not in conflict with the statutes. The statutes

rovide that the council may pass rules

provide that the council may pass times regulating its action. This rule regulates the manner in which the council shall give its consent to all appointments by the mayor. It provides that eight members shall be necessary to

confirm an appointment. It is clearly within the meaning of the statutes.

insist also that the statute, without the

entire council to confirm an appoint-

The attorney cited a large number

of authorities to support his contention.
"It would be a most pernicious thing for this court to judicially sanction the

proceedings in this case. Here is a rule of the council, passed by the unani

mous vote of the council and approved

by the mayor, requiring a ma-fority vote to confirm an appoint-ment. The members of the council relied upon that rule. Two of them

were absent on the night in question and the appointment was submitted and

voted upon, seven voting for it and six against it. The president announced

that the confirmation had failed and there was no appeal from the decision of the chair. At the next meeting the minutes in regard to that matter were

approved and ratified by the council

without any question whatever. In the face of all this the defendant comes in

here and asks the court to sanction this

CONFIRMATION CREATES.

tion of an officer creates the city's lia-

counsel say that the city was liable for

would receive the captain's salary,

would he be entitled to both the sal-

think not. Mr. Nye did not know where he would get off when he made

be no question but that the liability

is created by the appointment and con-

firmation of a person to receive the sal-ary provided in the ordinance."

of ouster prayed for in the complaint

should be entered against the defend-ant, for the following reasons:

rational interpretation, the word "council," as used in section 214 of the

revised statutes, providing for the ap-

by and with the advice and consent of

the council," means a majority of the

members elected, and therefore, eight

when the defendant only received seven.

isjons of section 198, and paragraph

he city council shall have full power to

pass all ordinances and rules and

by the statute, the council

88 of section 206, which provides that

determine its own rules of procedure,

nake all regulations, not repugnant to

law, necessary for carrying into effect or discharging all powers and duties

had power to make rule 17, requiring

eight votes for the confirmation of an

officer, and that rule was as binding

Third-Because the confirmation of

an officer creates a liability against the

city for his salary, there being no lla-

bility to pay the salary until there is a legal incumbent in the office to draw it,

and, as the statute expressly requires

"the concurrence of a majority of the members elected." to create any Hability against the city, it necessarily fol-

lows that the defendant was never legally confirmed, and therefore, he

should be excluded from the office.

We respectfully sumbit that, in view

of the facts and the law governing this

case, there can be no reasonable doubt that the defendant was not legally confirmed by the council. His appoint-

would be doing violence to reason to assume that, while requiring confirma-

tended to permit five members, or one-

third of the council, to exercise that im.

portant power, yet, this would be the result, if the contention of the defense

is upheld. Such a conclusion would not

only be contrary to law, and against

public policy, but antagonistic to the settled procedure of the council during

a long series of years. We cannot be-

of its sanction to a proposition which is so shocking to every sense of jus-

ice, and so inconsistent with the rights

Judge C. F. Loefbourow closed the ar-

He read from a large number of au-thorities to support the argument ad-

vanced by Mr. Straup and City Attor-

ney Nye and applied them to the pres-

ent case and the questions involved therein. At the conclusion of his ar-

gument th case was submitted to the

LOOFBOUROW CLOSES.

ment by the mayor did not receive

advice and consent of the council

orce and effect as a statute.

Second-Because, under

It seems clear to us that the judgment

First-Because, when given a fair and

There can certainly

ary of chief and his own salary?

that statement.

"Now in regard to the question of

matter.

gainst the city.

The question as to whether or not shall be in the public interest. Rule 1' George A. Sheets is entitled to the office of chief of police of this city will soon be settled by the supreme court. The que warranto proceedings instituted by Atty.-Gen. Breeden against Sheets were argued at length before the supreme court this morning and submitted to the court for consideration. The importance of the case and the great public interest manifested in it, will probably be responsible for an early decision by the court upon the questions in-

MANY ATTORNEYS PRESENT.

to hear the arguments in the case. Among them were Attys. Richards, Varian, Straup, Frick, C. F. Loofbourow, Weber, Wenger, P. P. Christensen, Goodwin, Shoup, F. C. Loofbourow, Atty.-Gen. Breeden, Judge Lewis, City Atty. Nye and Judge Twomey. Among the interested spectators were George A. Sheets, Detectives Chase and Raleigh, Councilmen Black and Fernstrom, City Treasurer Moreis

STRAUP OPENS.

Attorney D. N. Straup opened up the arguments in the case in behalf of Mr. s. He read the principal allega-of the complaint, including the rules of the council in regard to con-firmations, and also all the actions of the council in connection with the appointment, and alleged confirmation of Mr. Sheets. "To this complaint," said Mr. Straup, "the defendant has filed a general demurrer and a motion to strike out certain parts which is claimed are mere conclusions of law. TWO PRINCIPAL QUESTIONS.

First-whether the city council had any right to pass rule 17, the rule referred to here; and, second—whether the confirmation created a liability against the city within the meaning of the statute. The statute provides that a majority of the council, eight members, shall con-stitute a quorum to transact all business. Our contention is that only a majority of the quorum is necessary to appointment. mon law holds that a majority of a quorum can transact all business ex-cept where the statute comes in and provides differently. The statute does tep in in this case and say that i shall require a majority of members of the council elected to pass all measures

creating a liability against the city. The rule of the council pertaining to the confirmation of appointees against the law. It is not a rule conduct of the council but is a rule which increases the authority of the suncil in conflict with the statute and is null and void. One of the most serious questions conthe plaintiff tended for by the plaintiff is whether or not the confirmation of a appointment is the creation of a lability against the city. We contend that when the ordinance was passed creating the office of chief of police and ixing his salary the liability was then reated. By mere confirmation, we say that a chief of police could not collect me cent for his services no matter how rious unless his services are ovided for by statute or ordinance must look to the law for his compensation. If the city is Hable at all i ust be provided for by law and ordi-

QUESTION OF LIABILITY.

Justice Bartch asked the attorney the lestion that if there had never been then have been any liability No, not in favor of any particular but the mayor could ed by a writ of mandate to fill that as provided in the ordinance, so hat the liability created by the ordince could run.'

NYE CAME NEXT.

City Attorney Nye followed Mr up in a brief argument. He said liability against the city was when the ordinance was passed office and fixing the salary. ty to pay was there all the the payment of the same was spended. The liability to pay but the obligation, as it were, not arise until an individual is apthe office. He argued that hall perform the duties of the chief, and that Captain Burthis case demand that the salary of chief and the would have to pay it. Hence the against the city in this case been even suspended in law, always existed from the passage of the ordinance creating the office Nye, in closing, cited a number of to support the contention of the defendant.

BREEDEN MAKES REPLY.

Attorney-General Breeden made the There have been a great many ons expressed in the papers and the streets in regard to this but in justice to myself I h to say that any report the papers to the effect that I have rely false. I would not make this court and ask it to decid matter just the opposite way. I mere wish to make this statement in jus tice to myself.

COUNCIL'S RULES.

The statute of this state provide that the council may pass rules of conduct gumes for the transaction of business which court.

AGAINST VACCINATION. dawaiian House Passes Bill to Re-

peal Existing Law. Ronolulu, April 18.-Via San Francis 0. April 27 .- (Correspondence of the associated Press.)-A bill to repeal the

disting laws regarding vaccination

passed the house on third reading to day by a large majority. A similar milder in its provisions, has passed the senate. There is a general sentiment among the natives against vaccination, as it is said that vaccination spreads

The special committee appointed by the house of representatives to investi-gate the so-called Chinese fund, and zens.

shortage of nearly \$19,000 was known has made its report. It apppears fr the report that the peculations which finally resulted in an I. O. U. for \$17,747.90 being placed in lieu of cash in the Chinese fund, had been going on for two and a half years. It was a short-age in the territorial general fund, ac-

cording to some of the testimony taken by the committee and the territorial fund was made good out of the Chin-ese fund. EARL OF YARMOUTH.

Obtains a License to Marry Miss Alice Shaw.

Pittsburg, Pa., April 27.—George Francis Alexander, Earl of Yarmouth, accompanied by the family barrister, Lord James, visited the courthouse today and obtained a license for his mar-rlage to Miss Alice Thaw of this city at

4 o'clock this afternoon. The only distinguishing feature of the proceeding was that the earl filled out his own application instead of being plied with the questions that are usually answered by the majority of the applicants.

The ceremony will be in Calvary Epis copal church, elaborate preparations have been made and the wedding promsed to be the most brilliant seen in Pittsburg in years.

Burned by Molten Metal.

plosion of molten metal, five men were horribly burned, two of them probably fatally, at Vesta furnace, Marcitta early today. The men were engaged at the cupola preparatory to a cast when the accident occurred and were literally showered with molten metal. Fellow workmen ran to their assistant and tore the burning clothing from their bodies. The seriously injured David Appley, burned from head to foot, will probably die. Thomas T. Kisselring, burned on back

and face, will lose eye sight, recovery

The accident was caused by a wet projectile being shot into the cupola. WILL APPEAL

TO THE EMPEROR

President Hugh J. Cannon of the German Mission So Decides

IN MATTER OF EXPULSION.

Former President Schulthess Speaks Of Conditions in Germany and Says The Ministers Are Responsible.

Berlin, April 26.-Hugh J. Cannon, the 'Mormon" missionary, intends to appeal to Emperor William for permis I contend that the confirmasion for the "Mormons" to remain in Prussia, hoping that his majesty's bility for his salary. Suppose there was no chief of police for a year would the policy of religious tolerance may include the "Mormons." any salary? Most certainly not. Mr. Nye says that the captain of police is entitled to the salary of chief. Who

In his petition Mr. Cannon sets forth the morality of "Mormon" doctrines and refers to the inability of his adve saries to cite any example of the "Mor mon" teachings which has been sub versive of the laws of the state or of orderly citizenship. He declares also that by the command of the supreme head of the Church polygamy is not

Mr. Cannon last Wednesday sent to the emperor and the empress copies of the Book of Mormon in German. If no aid is extended to the "Mormon" mis-sionaries by Emperor William, and if the orders of expulsion are enforced, all the missionaries will leave quietly. Mr. Cannon expects the United States to intervene in cases where missionarie have been maltreated as, for instance, in the affair at Osnabruck, Prussia, last January, when two missionaries were dragged through the streets of the town and imprisoned for three days. They were deported to Hanover, where they were again placed in jail and later

sent on to Hamburg. Affidavits of these occurrences have been forwarded to Senators Kearns and Smoot, who, it is stated here, have asked Secy. Hay to demand an apology from Germany in this matter on the ground that American citizens were

treated brutally. Among the converts to "Mormonism" made in Germany are several police-men who were sent to observe the mis-

sionary meetings. When shown the above today Elder Arnold H. Schulthess, president of the German mission from 1898 to 1901, said that during his administration there were nine banishments from Prussia, but that no cases of violence had been reported. The maltreatment above referred to, said he, occurred as stated in January last, when two missionaries were handcuffed and placed in jall. Speaking further Elder Schulthess said: The truth of the matter is the op position we have had to contend with it dermany has all come from the minis ters, a great many of whom are mem bers of the reichstag and therefore abl to do just about as they please. expulsion order is such that if en forced it will work a great hardship o our people, as it will exclude our mis-sionaries from by far the greater part

of the German empire. When we mov-Berlin in August, 1900, we were required to submit copies of our tracts, books and pamphlets for government scrutiny These were examined very carefully and later returned with the report that ve were at liberty to establish had quarters in Berlin, as there was noth ing in our teachings that in anywise conflicted with the laws of that coun-As I view it the expulsion orde means practically an end of the work in Germany, that is, so far as the preach ing of our belief is concerned. And i the order is carried out it will only be a short time until the other province. will have caught the fever, and the oo, will issue orders to the same effect I doubt whether Emperor William car be prevailed upon to afford us any re-

resent attitude of the Purssian gov-

ess in northern Germany and this

I take it, accounts very largely for the

We have met with wonderful su

UTAH SENATORS APPEAL. The dispatch sent to Secv. of Stat. Hay by Senators Kearns and Smoot asking for an investigation and calling upon the German ambassador to leol into it, will doubtless do much in open ing up the way to a satisfactory solu of the entire problem, Secy. Hay's

reply was as follows: "Your dispatch received and com-municated to ambassador in Germany who is instructed to report and to us his good offices in behalf of our citi his good offices in behalf

Miles' Report Made Public.

Dwells at Length on Water Cure Cases, Evidently Giving Credit to Stories Told Him-Case of Three Friests -Rice Deals-Gen. Davis Makes Reply.

partment today made public that portion of the report of Gen. Miles which refers to misconduct of officers and soldiers in the Philippinese. Secy. Root has received several requests for this report, some of them from persons in Boston, who stated that it contained much matter that never had been brought out in the investigations. The secretary has held that such reports were confidential in order that the officer making them might be free to make such comments as he desired, but as it was learned that Gen. Miles had report, it has been made public with a brief comment by Gen. Davis, judge advocate general, who has charge of all matters pertaining to the subjects referred to in this portion of the re-port. The statements made by Gen. Miles are the result of his tour of in-spection in the Philippines last autumn and winter.

MILES' REPORT.

Gen. Miles' report on his Philippine observations is dated Feb. 19, 1903, and is addressed to the secretary of war, He says that in going from Calamba to Batangas in November last he no-ticed that the country appeared devastaed, and that the people were very much depressed. Stopping at Lipa he says a party of citizens headed by the acting presidente met him and stat ed that they desired to make complaint of harsh treatment of the people of that community, saying they had been concentrated in towns and had suf-fered great indignities, "that 15 of their people had been tortured by what is known as the water torture, and that one man, highly respected citizen, aged 65 years, named Vicente Luna, while suffering from the effects of the torture and unconscious, was dragged from his house which had been set stated that these atrocities were com-mitted by a company of scouts under command of Lieut. Hennessey, and that their people had been crowded into towns, 600 being confined in one build-ing." A doctor of the party said he was ready to testify that some of the 600 died from suffocation. Gen. Miles says he looked at the building, which was one story in height, 18 or 20 feet wide and possibly 60 or 70 feet long. He asked for a written statement to be forwarded him at Manila but says he never received it and adds:

GOT NO WRITTEN STATEMENT.

statements: in fact, the instances of torture as in the case of the man Luna having been tortured and burned to Concerning the failure to receive the statement, Gen. Miles says: "Whether any influence was brought to bear to prevent their statement, either by persuasion or coercion. I am not prepared to say at the present time.

Gen. Miles then refers to other cases, saying that on the island of Cebu it was reported and published in Novem her. 1902. "that two officers, Capt. Samuels, Forty-fourth infantry, States volunteers, and Lieut. Feeter Eighteenth infantry, had similar atrocities against the people of that island. It is also reported that at Laoag on the island of Lazon, two natives were whipped to death. At Tacloban, Leyte, it was reported that Maj. Glenn ordered Lieut Cautfield, Philippine scouts, to take eight prisoners out into the country, and that if they did not guide him to the camp of the insur gent Quizen he was not to bring then It was stated that the me taken out and that they either did not men who had a son among the scouts was spared, but the others were arated into two parties, numbering three or four respectively, and while tied together were all murdered by being shot or bayonetted to death, some being in a kneeling position at that time. The pretense was made that they were killed while attempting to escape but so far as I know no official report was ever made of the circumstance, These facts have been reported by Maj. Watts, who investigated the case Besides Lieut. Cautfield, civilian scouts Ramos, Preston, Corn and McKeen were

participants. SAW WATER CURE VICTIMS.

"At Calbayog, Samar, it was reported that several men in that district had been subjected to the water torture. I saw three men who had been subjected to this treatment. One was the presidnte of the town, Mr. Rosales, showed me long, deep scars on his arms with which he was bound, cutting into Jose Boria, and the third was Padre Jose Diaznes, who stated he was one of three priests who had been subjected to torture by the troops under of Lieut Gaujot, Tenth cavalry; that his front teeth had been knocked out, which was apparent; that he was other wise maltreated, and robbed of \$30 was stated that these priests had been taken out to be killed and were only saved by the prompt action of Maj.Car-rington. First infantry, who sent out for them. Lieut. Gaujot was tried, pleaded guilty, and was given the trival sentence of three months' susp from commmand, forfeiting \$50 per month for the same period. His plead-ing guilty prevented all the facts and circumstances being developed.

GLENN'S BRIGADE.

"It appears that Mai. Glenn, Lieut Conger and a party of assistants and native scouts were moved from place to place for the purpose of extorting statements by means of torture and became so notorious that this party wa called 'Glenn's brigade.' Whether i in such acts without the personal knowledge of the general upon whose staff they were serving at the time, namely Brig. Gen. Hughes, I leave for hers to conjecture.
"These facts came to my notice in

casual way and many others of simi ar character have been reported in different parts of the archipetago. In fact, I was informed that it was com non talk at the places where officer congregated that such transactions had been carried on either with the con-nivance or approval of certain com-

Washington, April 27 .- The war de- | gratifying to state that such atrocities have been condemned by such com-manders as Gens. Lawton, Wade, Sum-ner, Lee, Baldwin and others.

BAD IMPRESSIONS

I found that with certain officers the impression prevails that such acts were justifiable, and I felt it my duty, in order to correct such erroneous and the possibility of such acts being committed in the future which must impair the good name of American arms and bring discredit to our service for all time, to address to the division nmander the following letter of instructions

Then follows an order addressed to the commanding general of the Philip-pines, under date of Feb. 18, 1993, in which Gen. Miles calls attention to the reports of atrocitles and directs that any orders or circulars of personal in-struction which would inspire or en-courage any act of cruelty, be annulled. The order says that 'the excuse that the unusual conditions justify the measures herein condemned are without Coundation.

DIRECT VIOLATION OF LAW.

Continuing his report to the secretary Gen. Miles directs attention to the acts of reconcentration by Gen. Bell, and claims that they were in direct violation of law. He says that the law was also violated in handling and buying large approximate of rice which was said, at a quantities of rice which was sold at a profit. The people who were in the reconcentration camps were, says Gen. Miles, "considered prisoners of war but were compelled to buy food from those Milks characterizes this as unprecedented. He speaks of the magnitude of the transaction, which involved 21,000,000 pounds of rice and other supplies at a cost of \$306,320. He says that "an extraordinary feature of this transaction is the action which was disarproved by a division commander, wh assumed command and who turned the matter over to the civil authorities and that it has been carried on unde an act of the Philippine commission."

A reply to the foregoing portion of he report has been prepared by Judge Advocate General Davis, in a letter to the secretary of war, in which he says: "The incidents which are set forth in the enclosed special report have been made the subject of special investigations; in some instances these have been conducted by court-martial and the findings and sentences have been duly promulgated in orders; in others the inquiries have been entrusted to inspectors, or to officers designated for that purpose by the the commanding general in the Philippines. Where administrative action has been called for, as a result of such investigations, it has been taken by the proper military ommander, if the parties continued within his jurisdiction; in other car the matter has been submitted to the department with a view to the resor to such punitive remedial orders as were deemed appropriate, and these representations number of court-martials. As to some prases of these inquiries the investigations are not yet complete, and a reference of the papers to the Philippin islands or officers who are now serving in the United States has been necessary. Whether the necessity for any further administrative action, in addition that already taken, will be disclosed as a result of such investigation can only be determined when inspection reports are received at the department.

HE EXPLAINS.

Gen. Davis explains that the inquiries are especially difficult because the incidents complained of were not made known at the time, and officers and soldiers of the volunteer army have been

named to be discharged.

He discusses at some length the distribution of rice in the provinces of Batangas and Cavite, which is a matter that has been considered in the department. It is explained that in order to people in the concentration camps it approval of the commanding general, that purchases of rice should be made by the subsistence department, the latter to be reimbursed by the military government. Upon this point Gen, Da-

MILITARY NECESSITY.

"The measures resorted to were dic tates by military necessity; they were undertaken with the approval of the local military commander, and were calculated to meet an emergency of impending famine in such a way as to relieve actual distress without pauperizing the native population and without casting the burden of their support upon the insular treasury public order had been restored and the provinces relegated to civil control. the distress increased after the military occupation had terminated and the demand for relief continued without sub-stantial abatement the balance of profits accruing from the sales of ric by the military government was trans ferred to the insular treasury and ap plied by the civil government to the relief of the widespread distress occasioned by the prevalence of choiers and famine in the provinces of southern and southeastern Luzon."

MILES' PLAN CRITICISED. Washington, April 27 .- The war de partment today made public the report of Lieut.-Gen. Miles who made a tou

f inspection of the Philippines. Miles strongly recommended that bee on the hoef be supplied to the troop in the Philippines. This portion of h report was referred to Gen. J. F. Wes on, commissary-general, who in reply "In my judgment it is not a feasible

economical plan and there should be no departure from the present system of supplying frazen beef." Gen. Weston says his office has never received any complaint about frozet beef, on the contrary, unifer com-mendations. Gen. Wexton adds: Native beef is out of the question

even if it were possible to procure i and there would be danger in using i besides it being poor, stringy and tough but the rinderpest practically destroyed the native cattle. The experiment of bringing in cattle was tried as was stated by Col. Woodruff, and was an absolute failure."

Gen. Weston sums up the objections

to the plan in the following:
"The supply of cattle on the hoof for the military service in the Philippines is not practicable, would involve enormous expense and entail useless loss of animal life, and would serve no useof animal fire, and would serve no use-ful purpose either of administration, economy or health. At least 50 per cent of the cattle would not survive the trip, so that the government would not only lose half of the cargo but would actually pay freight on what was lost."

GENERAL GRANT'S

Galena, Ills., April 27.-The eleventh successive celebration of Grant's birth-day in Galena proved to be one of the most successful

The historic city was decorated in honor of the great hero, and the beau-tiful weather brought many visitors. The noon train on the Illinois Central from Chicago brought the special guests of the day from that city who joined in commemoration. The chief feature of he program was an address at Turner hall by Hon. W. E. Gurley of Omaha, whose delineation of the character and chievements of Gen Grant were ennusiastically received. From the same platform on previous anniversaries Presidents McKinley and Roosevelt and Chas Emory Smith had spoken. The visitors, after the conclusion

the exercises, viewed Nast's great paint-ing hung in the public library and the statute of Grant given to the city by H. H. Kohlsaat of Chicago and dedicated by Chauncey M. Depew. The military band and company M. Illinois national guard, acted as escort of the speoker to the hall. Rev. John Van Derve, late of Coe college, Cedar Rapids, Ia., acted as chairman

Lee's Resignation Accepted.

Jefferson City, Mo., April 27.-Gov Dockery telephoned from St. Jouis to-day that he had accepted the resigna-tion of Lieut, Gov. John A. Lee, which eached the office here this morning, in a letter bearing a special delivery stamp. Senator T. L. Ruby, president pro tem of the senate, becomes acting leutenant governor.

Bp. Fred k Wm. Taylor Dead.

Quincy, Ills., April 27 .- Bishop Frederick William Taylor of the Quincy dio-cese of the Episcopal church, is dead of

PREST. LEAVES GRAND ISLAND FOR OMAHA

Grand Island, Neb., April 27.—President Roosevelt made an early start today on what promises to be a bus week. He broke the ground on th new Carnegie library and then deliv-ered a short address in front of the high school at 9:15. He then left fo Hastings.

Gov. Mickey and Senators Dietrich and Millard joined the president here. The governor will go with him as far as Hastings, and the senators will be his guests when Omaha is reached. REACHES HASTINGS.

Hastings, Neb., April 27.—President Roseveit reached here at 10:15 this morning. He was greeted by a large crowd and made an address from the depot steps. The president spoke of the forestry situation in Nebraska, saying that as the people of the state were ing that as the people of the state were protecting the original scanty fores they now had a more and better natural forest than ever before. work should not stop, he said. people should continue the planting of trees. The federal bureau of forestry tree planters in different parts of th state. At the conclusion of his speech the president was taken for a short an address to the school children from

GREAT PRECAUTIONS TAKEN Lincoln, Neb., April 27 .- Extraordinary precautions were taken today t ing his trip from Hastings to Lincoir The Burlington railroad officials gav n any office or room or near any win dow of any station where the presiden vill pass who cannot be accounted for and who is not known to the officials. TALKS AT LINCOLN.

Lincoln, Neb., April 27,-The arrival n Lincoln this afternoon at a few min a chorus of factory whistles. At this signal all stores in town were closed and remained locked up until after the departure of the president and his par-The weather was fine.

The military escort formed a pageant

that has not been equalled in since the recruiting of troops for the he survivors of the civil war that ound representation in the parade ere the First regiment, Nebraska naonal guard with regimental band, and he cadet battalions from the Univer-Wesleyan university, with the bands of the two organizations. All schools nd colleges in the city had losed for the day and those of the stu dents who did not participate in the parade were assembled at the state the time taken for the movement of th parade from the Union station to the capitol, an old Spanish cannon was manned and lustily fired by students. The McKinley memorial chimes and other church bells rang out in the paen of welcome. The capitol building from white and blue bunting, while business houses also were decorated. The 50,000 population of Lincoln was increased nearly twice that amount by the influx of visitors this afternoon The president spoke from a stand erected in the capitol grounds.

' To Revise Presbyterian Creed.

Philadelphia, April 27.-Rev. Dr. W. H. Roberts, stated clerk of the Pres-byterian general assembly, announced oday that two-thirds of the presh teries had voted in favor of revising the confession of faith and of the declar tory statement elucidating chapters The subject will be finally dispose of by the general assembly which meets in Los Angeles next month. It is ex-

pected that the overtures from the presbyteries will be enacted by the gen-

Cement Strike Settled. Ironton, O., April 27.—Chairman Ower and Secy. Bishop of the state board of arbitration came here yesterday and

ettled the cement strike after erence. The men returned to work to. day. The olier, on whose account the strike was declared, was discharged.

Boston, April 27 .- Stillman Bishop aged 28, a bookkeeper for the Edison Electric Light company, was today shot at his desk by a stranger. Three shots were fired, two of which hit Bishop in the arm and side. It is thought Bishop's wounds are not

dangerous. His assailant was captured He is about 45 years of age and gave the name of Hartwell Stafford of Brookline. He refused to splain his

Eleven Men Were Killed.

BIRTHDAY OBSERVED At Buffalo, Kas., Missouri Pacific Stock Train Crashes Into Reaz End of Work Train-Aside From the Dead Twenty-five Were More or Less Injured, Four Fatally -All of Them But One Were Greeks.

> Missouri Pacific stock train crashed into the rear end of a work train just north of this town at 7 o'clock last evening and eleven men were killed and 25 injured, ten of the latter seriously and four fatally. All were Greeks, except one, Peter Frye, who lived here several years and who was the boss on the work. 'The cause of the wreck is given as misreading of orders.

> The work train consisted of flat cars and a caboose, all filled with laborers. The men on the flat cars escaped by jumping, but hardly a man in the ca-boose escaped. The work train was

Buffalo, Kas., April 27 .- A northbound | backing into town for the night and running at a good speed. The heavy freight engine did not leave the track but plowed the work train off the track, leaving little of it except the car wheels and kindling wood. Doctors of Buffalo, assisted by townspeople, did heroic work among the injured until the wrecking train with surgeons from Neodesha, and a corps of half a dozen physicians from Coffeyville and Inde-pendence arrived. The dead and injured were taken to Coffeyville, the latter to be temporarily cared for at the hos-pital there. The scene of the wreck or several hours looked like a battlefield by the dazzling light of the burn-ing debris, with dead men strewn about upon the ground, where they lay after being taken from the wreck.

MISSIONARIES IN GERMANY.

U. S. Ambassador Tower at Berlin Has Made an Investigation Of Complaints by Them, and Finds There is No Just Ground for Same-Makes a Special Report.

United States ambassador at Berlin, complaints made by "Mormon" missionaries in Germany. He has already partment and is expected here daily.

Washington, April 27 .- Mr, Tower, the | made a thorough investigation and finds that there is no just ground for comhas anticipated the state department's | plaint. The facts discovered by him request for an investigation of the have been included in a special report which has been mailed to the state de-

CHINA SENDS FORMAL REFUSAL.

To Russia's Demand Regarding Evacuation of Manchuria--France Views With Pleasure Determination of United States Not to Become Party to Any Joint Action by Powers.

London, April 27.—It is officially announced here that the Chinese government has sent to the Russian government has sent to the Russian government. The officials here say ment at St. Petersburg a formal refusar o grant the latter's demands in regard to the evocuation of Manchuria.

FRANCE MUCH PLEASED. Paris, April 27,-The foreign office has received lengthy advices from Wash-ngton regarding the feeling aroused in he United States over the steps taker y Russia in connection with huria. The dispatches show that th American government does not intenian demands but that the United tates will confine its action to safe guarding its own commercial interests, The assurances have created a strong-

y favorable feeling here. The advices

this will probably disclose that Rus sia's action has been less radical than The view prevails that the powers

having political antagonisms toward Russia are responsible for the present agitation. It is stated that Russia's demands do not mean a termination of the open-door policy but only a con-tinuance under Russia administration of similar restrictions now imposed by

sympathy with the Russian attitude is shown. It is claimed that Russian interests in Manchuria and its proximity to Siberia entitle Russia to take super

EIGHT RAILROADS RESTRAINED

Kansas City, Mo., April 27.—Judge exclusion of all other dealers and like John F. Phillips, in the United States shippers, and that the question presentcircuit court here today, granted a temporary injunction restraining the following eight named roads from discriminating against small shippers: Chicago & Alton, Chicago, Milwaukee & St. Paul, Atchison, Topeka & Santa Fe, Chicago, Burlington & Quincy, Missouri Pacific, Rock Island, Wabash and Chicago Great Western.

These cases presented the same ques tion involved in similar cases passed upon by Judge Grosscup at Chicago on Friday last. As the demurrers in these ases were heard by Judge Grosscup d Judge Phillips, sitting together rief opinion delivered by Judge Gross inference and agreement.

The decision rendered by Judge Phillips today, which was oral, maintains that the discriminations and rebates nade and allowed by the state commerce act, and that they tend ment of grain and products in favor of as to the truth of the allegations of the individual shipper, to the practical the bill.

ed was whether or not a bill in equity, at the instance of the attorney-general the United States on request of the interstate commerce commission, would lie to enjoin the defendants from further rebates and discriminations. nclination of the mind of the court was that the acts were not only violative of also the anti-trust statute; and that the government, in the capacity of a par-ent, representing all the people con-cerned in the shipment of such products and for the public welfare, was entitled to appeal to its own courts to enjoin such violations of the law; that the bill known as the Elkins bill, under the decision of the supreme court of the United States in Missouri Pacific rail-way company vs United States recenty rendered explicitly confers jurisdic tion upon the federal courts in equity both as to pending and future cases; that there can be no question of the right of the court to grant a temporary injunction in the cases pending which will be done as on metions now entered, with leave to the defendants if they desire, to take issue by answer

MAKE AMERICAN NAVY BEST.

Captain Hobson, Hero of Santiago, Talks Interestingly to the Deseret News-Makes Strong Plea for the Battleship and Armored Cruiser.

of the United States navy, is a guest at the Knutsford, having stopped over here to lecture in the theater. In a talk today, with a "News" representative, Capt. Hobson said his mission is to show the people the advantage to be gained by a great navy for this country. He said that in European nations, the king or emperor is able to take the initiative in such matters himself, but in this country, it is the people, and where they are persuaded, it is comparatively easy work to secure favorble congressional action. The captain is strong for the battleship and armore ruiser, but particularly does he favor he battleship. He would see the United States have a navy superior to that of any other nation, and as to the present

ity lies in the number of war vessels ather than the quality of their make When asked what he thought of the recent boasting of a part of the Ger-man press that the German navy is Capt superior to that of the United States, adven-

status, he holds that American inferior-

Capt. Richmond P. Hobson, formerly | hardly be determined without their coming together, and there was small chance of anything of that kind happening. At the same time he thought ill became any one, whether individ-

ual or nation, to boast.

When asked if the limit in size of war vessels had been reached, the captain replied that perfection is always in the future. The limit of weight of gun and armor may possibly have been reached, but not the other features of co tion in ordnance, armament and construction. There is and always will be a contest as between gun and armor As soon as an armor is found that will withstand the greatest known projectile, ome genius will shortly invent a gun and projectile that will pierce the armor. So, now the one and then the other, is on top. The captain said that just at present, the new armor plate had the advantage with its toughened back and case hardened face, the combination making a most effective de-fense. The process of preparing this plate is electrical, and involves chem-

Capt. Hobson did not think that the Capt. Hobson teplied that that could surface or submarine, ought to affect

ical as well as physical changes in the